

PUBLIC DEFENDER

Budget Summary							
Fund	2002-03 Base Year Doubled	2003-05 Governor	2003-05 Jt. Finance	2003-05 Legislature	2003-05 Act 33	Act 33 Change Over Base Year Doubled	
						Amount	Percent
GPR	\$146,176,400	\$129,620,000	\$129,138,500	\$129,138,500	\$129,138,500	-\$17,037,900	- 11.7%
PR	<u>2,574,800</u>	<u>2,588,500</u>	<u>2,578,600</u>	<u>2,578,600</u>	<u>2,578,600</u>	<u>3,800</u>	0.1
TOTAL	\$148,751,200	\$132,208,500	\$131,717,100	\$131,717,100	\$131,717,100	-\$17,034,100	- 11.5%

FTE Position Summary						
Fund	2002-03 Base	2004-05 Governor	2004-05 Jt. Finance	2004-05 Legislature	2004-05 Act 33	Act 33 Change Over 2002-03 Base
GPR	523.55	507.55	523.55	523.55	523.55	0.00
PR	<u>4.00</u>	<u>4.00</u>	<u>4.00</u>	<u>4.00</u>	<u>4.00</u>	<u>0.00</u>
TOTAL	527.55	511.55	527.55	527.55	527.55	0.00

Budget Change Items

1. STANDARD BUDGET ADJUSTMENTS

	Governor (Chg. to Base)	Jt. Finance/Leg. (Chg. to Gov)	Net Change
GPR-REV	\$0	\$1,300	\$1,300
GPR	-\$15,377,800	-\$481,500	-\$15,859,300
PR	<u>13,700</u>	<u>- 1,300</u>	<u>12,400</u>
Total	-\$15,364,100	-\$482,800	-\$15,846,900

Governor: Provide standard adjustments to the base budget totaling -\$7,704,400 GPR and \$6,800 PR in 2003-04 and -\$7,673,400 GPR and \$6,900 PR in 2004-05. Adjustments are for: (a) turnover reduction (-\$781,800 GPR annually); (b) removal of noncontinuing elements from the base (-\$6,647,900 GPR annually to remove one-time funding that was provided to the private bar and investigator reimbursement appropriation and -\$998,200 GPR annually of 2001 Wisconsin Act 16 base cuts for dues/membership and vacancy reductions that were reallocated to this appropriation); (c) full funding of continuing salaries and fringe benefits (\$242,800 GPR and \$3,300 PR annually); (d) reclassifications (\$11,400 GPR in 2003-04 and \$17,700 GPR in 2004-

05); (e) overtime (\$219,900 GPR and \$2,900 PR annually); (f) fifth week of vacation as cash (\$228,400 GPR and \$600 PR in 2003-04 and \$253,100 GPR and \$700 PR in 2004-05); and (g) full funding of lease costs and directed moves (\$21,000 GPR annually).

Joint Finance/Legislature: Delete funding for fifth week of vacation as cash (-\$228,400 GPR and -\$600 PR in 2003-04 and -\$253,100 GPR and -\$700 PR in 2004-05). Require the agency to lapse to the general fund \$600 in 2003-04 and \$700 in 2004-05 from the PR account from which these fifth week of vacation as cash payments had been budgeted. Estimate GPR-REV of \$600 in 2003-04 and \$700 in 2004-05.

[Act 33 Section: 9160(3f)]

2. FULL FUNDING OF THE PRIVATE BAR APPROPRIATION [LFB Paper 600]

GPR	\$5,821,400
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Governor/Legislature: Provide \$1,410,700 in 2003-04 and \$4,410,700 in 2004-05 to fully fund an anticipated higher caseload during the 2003-05 biennium assigned to private bar attorneys and reimbursed from the agency's private bar and investigator reimbursement appropriation. The current base level funding for the appropriation is \$18,599,900 annually. This appropriation is used to reimburse private bar attorneys who accept assignment of defense cases for indigent persons qualifying for State Public Defender (SPD) representation. Under current law, when the SPD determines that an accused has a right to SPD representation, the case is either assigned to an SPD staff attorney or to a private bar attorney.

3. BASE BUDGET PRIVATE BAR REDUCTIONS [LFB Paper 600]

	<u>Governor</u> <u>(Chg. to Base)</u>		<u>Jt. Finance/Leg.</u> <u>(Chg. to Gov)</u>		<u>Net Change</u>	
	Funding	Positions	Funding	Positions	Funding	Positions
GPR	-\$5,358,800	- 0.75	-\$1,641,200	0.75	-\$7,000,000	0.00

Governor: Reduce the agency's GPR state operations appropriation for private bar and investigator reimbursement by \$2,648,700 annually and the private bar and investigator reimbursement administrative appropriation by \$30,700 and 0.75 position annually, for a total reduction of \$2,679,400 and 0.75 positions annually. The base reductions would be applied to amounts budgeted for payments to private bar attorneys under the former appropriation and to amounts budgeted for salaries and fringe benefits under the latter appropriation. These adjustments would represent a 10.1% reduction to the private bar and investigator reimbursement appropriation and a 5.0% reduction to the associated administrative appropriation.

Joint Finance/Legislature: Shift \$851,300 annually from the private bar and investigator reimbursement appropriation to the agency's trial representation, appellate representation and

private bar administrative appropriations to offset the base budget position reductions recommended by the Governor under this item and under Item #4. Restore \$30,700 and 0.75 position annually to the private bar and investigator reimbursement administrative appropriation.

Direct the SPD to submit monthly reports to the Joint Committee on Finance during the 2003-05 biennium on the expenditures from, encumbrances against, and unencumbered balance in the private bar and investigator reimbursement appropriation.

Veto by Governor [C-34]: Delete the requirement that the SPD submit monthly reports to the Joint Committee on Finance during the 2003-05 biennium regarding expenditures from, encumbrances against, and unencumbered balances in, the private bar and investigator reimbursement appropriation.

[Act 33 Vetoed Section: 9140(1z)]

4. BASE BUDGET STAFFING REDUCTIONS [LFB Paper 600]

	<u>Governor</u> <u>(Chg. to Base)</u>		<u>Jt. Finance/Leg.</u> <u>(Chg. to Gov)</u>		<u>Net Change</u>	
	<u>Funding</u>	<u>Positions</u>	<u>Funding</u>	<u>Positions</u>	<u>Funding</u>	<u>Positions</u>
GPR	-\$1,641,200	- 15.25	\$1,641,200	15.25	\$0	0.00

Governor: Reduce the agency's GPR state operations appropriations for trial representation by \$735,500 and 14.25 positions annually and for appellate representation by \$85,100 and 1.0 position annually, for a total reduction of \$820,600 and 15.25 positions annually. The base reductions would be applied to amounts budgeted for salaries and fringe benefits. These adjustments would represent a 1.9% reduction to the trial representation appropriation and a 2.0% reduction to the appellate representation appropriation.

Joint Finance/Legislature: Delete provision. The restored positions would be funded from amounts transferred under an offsetting decrease to the private bar and investigator reimbursement appropriation (see Item #3).

5. PENALTY ASSESSMENT SHORTFALL [LFB Paper 120]

PR	- \$8,600
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Joint Finance/Legislature: Reduce expenditure authority by \$8,000 in 2003-04 and by \$600 in 2004-05 under the agency's conference and training appropriation that is supported by penalty assessment funding. Expenditure authority under this appropriation is utilized by the agency to sponsor training and conferences for both SPD staff attorneys and private bar attorneys who accept assignment of SPD cases. The reductions reflect a decrease of 6.5% in 2003-04 and 0.5% in 2004-05 to appropriations supported by penalty assessment receipts in order to address a deficit in penalty assessment funding (see "Administration -- Office of Justice Assistance").